

1631



REV. 9/01
For Other Than A Small Entity

Docket No. AEOMICA-X-1

Applicants : Penn et al.

Application No. : 09/864,761 Confirmation No.: 6802

Filed : May 23, 2001

For : HUMAN GENOME-DERIVED SINGLE EXON NUCLEIC
ACID PROBES USEFUL FOR GENE EXPRESSION
ANALYSIS

Group Art Unit : 1631

Examiner : Cheyne Dune Ly

Palo Alto, CA 94301
June 30, 2003

Mail Stop Non-Fee Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
JUL 23 2003
TECH CENTER 1600/2900

RECEIVED
JUL 08 2003

TECH CENTER 1600/2900

TRANSMITTAL LETTER

Sir:

Transmitted herewith:

- [X] a Reply to April 9, 2003 Office Action;
- [X] a copy of Executed Declaration filed on May 23, 2001;
- [X] a copy of Application Data Sheet filed on May 23, 2001;
- [X] a copy of Filing Receipt for priority document, US 60/207,456, filed on May 26, 2000;
- [X] copies of three (3) acknowledgment postcards, date-stamped by the PTO November 30, 2001, August 23, 2002, and October 4, 2002, confirming the PTO's receipt of Information Disclosure Statements filed in the application;
- [X] CD-R containing a true and correct copy of priority document, US 60/207,456, as filed on May 26, 2000, including specification, drawings, sequence listing, and ten (10) tissue tables.

FEE FOR ADDITIONAL CLAIMS

[X] A fee for additional claims is not required.

[] A fee for additional claims is required.

The additional fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEES
TOTAL CLAIMS	15	- 92	* = 0	X \$ 18 =	\$
INDEPENDENT CLAIMS	1	- 11	** = 0	X \$ 84 =	\$
FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM				+ \$280 =	\$
* If less than 20, insert 20.					TOTAL \$

** If less than 3, insert 3.

[] A check in the amount of \$_____ in payment of the filing fee is transmitted herewith.

[X] The Director is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.16, in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

[] Please charge \$_____ to Deposit Account No. 06-1075 in payment of the filing fee. A duplicate copy of this transmittal letter is transmitted herewith.

EXTENSION FEE

[] The following extension is applicable to the Response filed herewith; [] \$110.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); [] \$410.00 extension fee for response within second

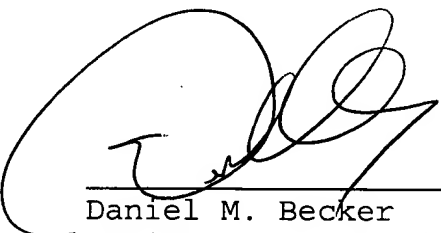
month pursuant to 37 C.F.R. § 1.136(a); [] \$930.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); [] \$1,450.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a); \$1,970.00 within fifth month pursuant to 37 C.F.R. § 1.136(a).

[] A check in the amount of [] \$110.00; [] \$410.00; [] \$930.00; [] \$1,450.00; [] \$1,970.00 in payment of the extension fee is transmitted herewith.

[X] The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.


[] Please charge the [] \$110.00; [] \$410.00; [] \$930.00; [] \$1,450.00; [] \$1,970.00; extension fee to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

30 JUNE 2003


Daniel M. Becker
Registration No. 38,376
Attorney for Applicants

FISH & NEAVE
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (650) 617-4000

I hereby Certify that this Correspondence is being Deposited with the U.S. Postal Service as First Class Mail in an Envelope Addressed to: HON. COMMISSIONER FOR PATENTS, P.O. BOX 1450, Alexandria, VA 22313-1450 on:

6.30.03
Date of Deposit
Lorraine Cole
Name of Person Signing

Signature of Person Signing
6.30.03
Date of Signature



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
--------------------	-------------	--------------	---------------	-----------------	----------	------------	------------

60/207,456

05/26/2000

150

MDhMORF-
2P

10

1473

FISH & NEAVE

1251 AVENUE OF THE AMERICAS

50TH FLOOR

NEW YORK, NY 10020-1105



CONFIRMATION NO. 7880

FILING RECEIPT



OC000000006018021

Date Mailed: 04/27/2001

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Sharron G. Penn, San Mateo, CA;
David R. Rank, San Francisco, CA;
David K. Hanzel, Palo Alto, CA;

RECEIVED

MAY 03 2001

If Required, Foreign Filing License Granted 04/27/2001

FISH & NEAVE - PATENT DEPT.

REFERRED TO

DMB

NOTED BY

Projected Publication Date: N/A

Non-Publication Request: No

Early Publication Request: No

ORIG. COPY
SENT TO
CALIFORNIA
BY CJS

Title

Human genome-derived single exon nucleic acid probes useful for gene expression analysis
by microarray

Data entry by : BERSOMA, GENET

Team : OIPE

Date: 04/27/2001





LICENSE FOR FOREIGN FILING UNDER
Titl 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15 (b).

PLEASE NOTE the following information about the Filing Receipt:

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231



Docket No. AEOMICA_X_1

Applicant Penn et al.

Serial No. 09/864,761 Filed May 23, 2001

Receipt is hereby acknowledged of the
Transmittal Letter in Duplicate; Information Disclosure
Statement; Form PTO-1449 in Duplicate; Three Hundred and
Fifty Three (353) References

Dated November 30, 2001

Filed in connection with the above case.

COMMISSIONER OF PATENTS
AND TRADEMARKS

RECEIVED

JUL 08 2003

TECH CENTER 1600/2900

Docket No. AEOMICA_X_1

Applicant Penn et al.

Serial No. 09/864,761 Filed May 23, 2001

Receipt is hereby acknowledged of the
Transmittal Letter in Duplicate; Information Disclosure
Statement; Form PTO-1449 in Duplicate; Three Hundred and
Fifty Three (353) References

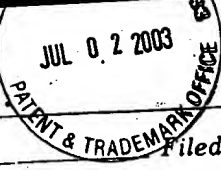
14:01:10 06 AON 10

Dated November 30, 2001

Filed in connection with the above case.

COMMISSIONER OF PATENTS
AND TRADEMARKS

Dr. 1645
CM 1/7

Applicant Penn et al  Docket No. AEOMICA-X-1
Serial No. 09/864,761 Filed May 23, 2001

Receipt is hereby acknowledged of the
Transmittal Letter in Duplicate; Reply to June 24, 2002
Office Action; Supplemental Information Disclosure Statement;
Form PTO-1449 in Duplicate; Eight (8) References; Check in
the Amount of \$110.00

Dated August 19, 2002

Filed in connection with the above case.


COMMISSIONER OF PATENTS
AND TRADEMARKS

Applicant Ann et al.

Docket No. AEOMICA-X-1

Serial No. 09/864,761

JUL 02 2003

FILED

May 23, 2001

Receipt is hereby acknowledged of the
Transmittal Letter in Duplicate; Supplemental Information
Disclosure Statement; Form PTO-1449 in Duplicate;
Fifty Two (52) References

Dated October 2, 2002

Filed in connection with the above case.

COMMISSIONER OF PATENTS
AND TRADEMARKS